

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SOUTHBOUND, INC.

Plaintiff,

v.

***FIREMAN’S INSURANCE COMPANY OF
WASHINGTON, D.C. and JIM AMATO***

Defendant.

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CAUSE NO.: 5:21-cv-78

**DEFENDANT FIREMEN’S INSURANCE COMPANY OF WASHINGTON,
D.C.’S NOTICE OF REMOVAL**

Defendant Firemen’s Insurance Company of Washington, D.C. (“Firemen”), respectfully petitions this Court for removal of the above-entitled action to the United States District Court for the Western District of Texas from the 57th Judicial District Court of Bexar County, Texas, and for its Notice of Removal states:

**I.
PROCEDURAL HISTORY**

1. This action, entitled *Southbound, Inc. v. Firemen’s Insurance Company of Washington, D.C. and Jim Amato*, pending in the 57th Judicial District Court of Bexar County, Texas, Cause No. 2020CI24707, was commenced against Firemen and Amato via the filing of Plaintiffs’ Original Petition (the “Petition”) on or about December 30, 2021. *See* Exhibit A, Attachment 2. Firemen was served on January 5, 2021. Therefore, this removal is timely.

II.
CITIZENSHIP OF THE PARTIES AND JURISDICTION

2. Plaintiff Southbound, Inc. is an individual who is a citizen of Texas. *See* Exhibit A, Attachment 2 at 1.

3. Defendant Firemen’s Insurance Company of Washington, D.C. is a Delaware corporation with its principal place of business in Virginia. Therefore, it is a citizen of Delaware and Virginia.

4. Defendant Jim Amato is an individual who is a citizen of Texas. His citizenship should be disregarded for diversity purposes because Plaintiff cannot recover against him. Firemen has sent Plaintiff a letter pursuant to Chapter 542A.006 of the Texas Insurance Code accepting whatever liability Amato may have to Plaintiff. Therefore, Plaintiff does not have a cause of action against him in state court and he must be dismissed.

5. Accordingly, removal is proper under 28 U.S.C. § 1332 because there is complete diversity between the parties who are properly joined.

III.
VENUE

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

IV.
AMOUNT IN CONTROVERSY

7. Plaintiff sues for monetary relief “that includes, without limitation. . . \$842,966.70.” *See* Exhibit A, Attachment 2 at 10. Thus, the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied.

V.
ATTACHMENTS

8. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Firemen in the state court action are attached to this notice. *See* Exhibit A.

9. Firemen has accepted all liability Defendant Jim Amato may have to Plaintiffs arising from this claim. A copy of that letter is attached as Exhibit B. The Court is requested to dismiss Amato pursuant to Section 542A.006 of the Texas Insurance Code.

VI.
NOTICE TO STATE COURT

10. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will promptly be given to all parties and to the clerk of the 57th Judicial District Court of Bexar County, Texas.

11. Pursuant to Federal Rule of Civil Procedure 38, Firemen demands a trial by jury.

VII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Firemen respectfully gives notice that this state court action has been removed and placed on this Court's docket for further proceedings. Firemen further requests any additional relief which it may be justly entitled.

Respectfully submitted,

/s/Jennifer G. Martin

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**COUNSEL FOR DEFENDANT,
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WASHINGTON, D.C.**

CERTIFICATE OF SERVICE

I hereby certify that on the **1st** day of **February, 2021**, the foregoing document was forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure.

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/s/Jennifer G. Martin

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